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IN OPEN COURT

JUL 19 2013

DAVID W. PETERSON
KITSAP COUNTY CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

IN RE THE GUARDIANSHIP OF

NO. 13 4 00234 4

NATACHA SESKO, aka
HSIAO LING SESKO,

AMENDED ORDER APPOINTING
GUARDIAN AD LITEM

An alleged incapacitated person.

THIS MATTER having come on before the Court upon the motion for appointment of a Guardian ad Litem to represent the best interests of the alleged incapacitated person pursuant to RCW 11.88.090, now therefore, it is

1. ORDERED that the Guardian ad Litem shall be appointed at private expense to be paid at the Guardian ad Litem's regular hour rate and shall be and subject to prior Court approval of any fees in excess of \$1,500, it is further

2. ORDERED that **HEATHER CRAWFORD** is found or known by the Court to be a suitable, disinterested person with the requisite knowledge, training or expertise, and is hereby appointed as Guardian ad Litem for NATACHA SESKO, aka HSIAO LING SESKO. The address and telephone number for the Guardian ad Litem follow: **609 Tacoma Avenue South, Tacoma, WA 98402. Telephone 253-627-7605.**

The Guardian ad Litem shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed

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- 1 guardian or limited guardian, the right to a jury trial on the issue of his or her alleged
2 incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the
3 right to be present in court at the hearing on the petition;
- 4 (b) To obtain a written report according to RCW 11.88.045; and such other written or oral
5 reports from other qualified professionals as are necessary to permit the guardian ad litem
6 to complete the report required by RCW 11.88.090 and to advise the alleged incapacitated
7 person of the identity of the health care professional selected by the guardian ad litem to
8 prepare the medical report. If the alleged incapacitated person opposes said health care
9 professional selected by the guardian ad litem, the guardian ad litem shall use the health
10 care professional selected by the alleged incapacitated person, but may obtain a
11 supplemental examination by a different physician or psychologist;
- 12 (c) To nominate an appropriate person to serve as guardian or limited guardian and ascertain;
- 13 (i) The proposed guardian's knowledge of the duties, requirements, and limitations
14 of a guardian, and
- 15 (ii) The steps the proposed guardian intends to take or has taken to identify and meet
16 the needs of the alleged incapacitated person;
- 17 (d) To consult as necessary to complete the investigation and report required by this section
18 with those known relatives, friends, or other persons the guardian ad litem determines to
19 have a significant, continuing interest in the welfare of the alleged incapacitated person;
- 20 (e) To investigate alternate arrangements made, or which might be created, by or on behalf
21 of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable
22 powers of attorney; whether good cause exists for any such arrangements to be
23 discontinued or created in lieu of a guardianship;
- 24 (f) To provide the court with a written report which shall include the following:
- 25 (i) A description of the nature, cause, and degree of incapacity, and the basis for this
26 judgment;
- 27 (ii) A description of the needs of the incapacitated person for care and treatment, the
28 probable residential requirements of the alleged incapacitated person and the basis
upon which these findings were made;
- (iii) An evaluation of the appropriateness of the guardian or limited guardian whose
appointment is sought and a description of the steps the proposed guardian has
taken or intends to take to identify and meet current and emerging needs of the
incapacitated person;
- (iv) A description of any alternative arrangements previously made by the alleged
incapacitated person or which could be made, and whether and to what extent
such alternatives should be used in lieu of a guardianship, and if the guardian ad
litem is recommending discontinuation of any such arrangements, specific
findings as to why such arrangements are contrary to the best interests of the
alleged incapacitated person;

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- 1 (v) A description of the abilities of the alleged incapacitated person and a
2 recommendation as to whether a guardian or limited guardian should be
3 appointed. If appointment of a limited guardian is recommended, the guardian ad
4 litem shall recommend the specific areas of authority the limited guardian should
5 have and the limitations and disabilities to be placed on the incapacitated person;
6 (vi) An evaluation of the person's mental ability to rationally exercise the right to vote
7 and the basis upon which the evaluation is made;
8 (vii) Any expression of approval or disapproval made by the alleged incapacitated
9 person concerning the proposed guardian or limited guardian or guardianship or
10 limited guardianship;
11 (viii) Identification of persons with significant interest in the welfare of the alleged
12 incapacitated person who should be advised of their right to request special notice
13 of proceedings (RCW 11.92.150); and
14 (ix) Unless independent counsel has appeared for the alleged incapacitated person, an
15 explanation of how the alleged incapacitated person responded to the advice of the
16 right to jury trial, to independent counsel, and to be present at the hearing on the
17 petition.

18 Within forty-five days after notice of commencement of the guardianship
19 proceeding has been served upon the guardian ad litem, and at least fifteen days before
20 the hearing on the petition, unless an extension or reduction of time has been granted by
21 the court for good cause, the guardian ad litem shall file a report and send a copy to the
22 alleged incapacitated person and his or her counsel, spouse, all children not residing with
23 a notified person, those persons described in (f)(vii) of this subsection, and persons who
24 have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad
25 litem needs additional time to finalize his or her report, then the guardian ad litem shall
26 petition the court for a postponement of the hearing or, with the consent of all other
27 parties, an extension or reduction of time for filing the report. If the hearing does not
28 occur within sixty days of filing the petition, then upon the two month anniversary of
filing the petition and on or before the same day of each following month until the
hearing, the guardian ad litem shall file interim reports summarizing his or her activities
during the proceeding time period as well as fees and costs incurred;

- (g) To advise the court of the need for appointment of counsel for the alleged incapacitated
person within five court days after the meeting described in (a) of this subsection unless
(i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated
a wish not be represented by counsel after being advised of the right to representation and
of the conditions under which court-provided counsel may be available, or (iii) the alleged
incapacitated person was unable to communicate at all, and the guardian ad litem is
satisfied that the alleged incapacitated person does not affirmatively desire to be
represented by counsel;

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1 (h) To file within five days of receipt of Notice of Appointment, and serve all parties
2 personally or by certified mail with return receipt requested, the written statement
3 required by RCW 11.88.090(2)(b), which shall include: training completed relating to the
4 duties as a Guardian ad Litem; criminal history as defined in RCW 9.94A.030 for the
5 period covering ten years prior to the appointment; hourly rate, if compensated; whether
6 the guardian ad litem has had any contact with a party to the proceeding prior to
7 appointment; and whether a conflict of interest exists for the guardian ad litem.

8 3. ORDERED that the Adult Protective Service, Department of Social and Health Services,
9 Kitsap Mental Health Services and Senior Information & Assistance are authorized, upon
10 request of the Guardian ad Litem, to provide copies of such documents as would assist
11 the Guardian ad Litem in her investigation relating to the above-referenced alleged
12 incapacitated person. The Court finds that disclosure is in the best interests of the alleged
13 incapacitated person and that such disclosure will not result in harm to the alleged
14 incapacitated person. Documents provided by the Department and above listed entities
15 to the Guardian ad Litem pursuant to this order are confidential in nature and are subject
16 to restrictions on secondary disclosure pursuant to 42 CFR 431.200-207, 45 CFR 160-
17 164, RCW 42.17.310, RCW 70.02, and RCW 74.04.060.

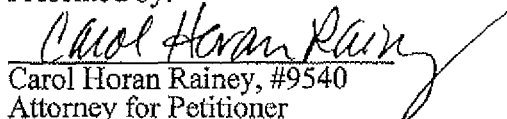
18 4. ORDERED that any and all financial institutions holding accounts in the name of
19 NATACHA SESKO, aka HSIAO LING SESKO, are authorized, upon the request of the
20 Guardian ad Litem, to provide any and all records and financial information regarding the
21 accounts of NATACHA SESKO, aka HSIAO LING SESKO.

22 5. ORDERED that the investigation and report shall be completed and served on all parties
23 and the court (with a bench copy to the Superior Court Office) within forty-five (45) days
24 after appointment, and not later than 15 days proceeding the hearing, unless an extension
25 of time has been granted by the court for good cause shown.

26 DATED AND SIGNED IN OPEN COURT this 19th day of July, 2013.

27 
JUDGE/COURT COMMISSIONER

28 Presented by:

29 
30 Carol Horan Rainey, #9540
31 Attorney for Petitioner

32 AMENDED

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